

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Crl.Rev.Pet.No. 2459 of 2007()

CRA.74/2006 of ADDL. SESSIONS COURTS (ADHOC), MAVELIKKARA
CC.725/2003 of JUDL.MAGISTRATE OF FIRST CLASS, KAYAMKULAM
.....

REVN. PETITIONER: APPELLANT/ACCUSED

SHAJI, S/O.KARUNAKARAN,
THAYYILTHERIL THEKKATHIL, SREEKOVIL HOUSE,
PERINGALA MURI, KAYAMKULAM VILLAGE.

BY ADV. SRI.R.REJI

RESPONDENTS: RESPONDENT/STATE

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM- REPRESENTING THE S.H.O., KAYAMKULAM
POLICE STATION.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 22-06-2007 THE COURT ON 02/07/2007, PASSED THE
FOLLOWING:

V.RAMKUMAR, J.

.....
Crl.R.P. No. 2459 of 2007
.....

Dated: 02-07-2007

O R D E R

In this Revision filed under Section 397 read with Sec. 401 Cr.P.C. the petitioner who is the accused in Crime No.407 of 2003 of Kayamkulam Police Station challenges the conviction entered and the sentence passed by the courts below for an offence punishable under Section 420 I.P.C.

2. I heard the learned counsel for the Revision Petitioner and the learned Public Prosecutor.

3. Even though the learned counsel appearing for the Revisions Petitioner assailed the judgments, the finding recorded by the courts below are on the basis of appreciation of the oral and documentary evidence. Both the courts have believed the prosecution witnesses and sitting in the rarefied revisional jurisdiction, this court will be loathe in interfering with the concurrent findings. I do not find any error, illegality or impropriety in the finding recorded by the courts below.

4. What now survives for consideration is the question as

to whether a proper sentence has been imposed on the Revision Petitioner. I am inclined to modify the sentence. Having regard to the facts and circumstances of the case, I am inclined to modify the sentence imposed on the revision petitioner. Accordingly, for his conviction under Sec. 420 I.P.C. the revision petitioner is directed to pay a sum of Rs. **38,000/- (Rupees thirty eight thousand only)** by way of compensation under Sec. 357 (3) Cr.P.C. to P.W.1 within three months from today, in which case he need undergo only imprisonment till the rising of the Court. If the compensation as aforesaid is not paid, then the sentence imposed on the revision petitioner by the trial court shall revive.

This Revision is disposed of confirming the conviction but modifying the sentence as above.

V. RAMKUMAR, JUDGE.

ani/-

